IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2952 OF 2006
IN
CRIMINAL APPEAL NO. OF 2006

The State of Maharashtra ..Applicant
versus
Madhukar G. Sonawane & Anr. ..Respondents

Mr. A. S. Shitole, APP for the Applicant - State.

Mr. K. S. Patil for the Respondent No.1.

CORAM : B. H. MARLAPALLE, J.

DATE : 7TH SEPTEMBER, 2007.

P.C.

. Heard Mr. Shitole, learned APP for the State Mr. K. S. Patil appears for the Respondent No.1.

2. This is an application seeking leave to Appeal under Section 378(3) of the Cr.P.C. against the order of acquittal passed by the learned Special Judge, Satara, in Special Case No. 7 of 2000, under the Prevention of Corruption Act. Both the accused have been acquitted as per the order dated 28.3.2006.

3. As per the prosecution case, accused No.2 Sanjay Baban Shinde had demanded and accepted the

bribe amount of Rs.4,000/- on behalf of accused No.1 Madhukar Govind Sonawane in Laxmi Tea Stall. Complainant - P.W. 1 Tanaji Kadam, P.W. 2 Bajarang Maruti Panhale and P.W. 4 Manohar Mane, Dy. S.P. were the relevant witnesses whose depositions have been considered by the trial court and P.W. 1 Tanaji admitted in his evidence before the trial court that he had not paid the amount to accused No.1 as bribe amount but he had paid the same in connection with purchase of she-buffalo. Even otherwise there was no evidence before the trial court to show that accused No.2 was working as a Private Assistant of accused No.1 and as per the prosecution case accused No.1 had demanded the bribe and it was the accused No.2 who was to receive the same. Even the trap has not been proved by the prosecution and also it is seen from the record that mutation entry made by accused No.1 has been confirmed by the Circle Inspector.

4. Under these circumstances, the reasonings set out by the trial court in support of the order of acquittal does not call for any reconsideration at the hands of this Court.

5. Hence, leave to file appeal is refused.

(B. H. MARLAPALLE, J.)